



Preliminary Assessment Petition

For years hazardous wastes have accumulated unchecked in vacant lots, dumps, manufacturing plants, and various other types of locations around the United States. The U.S. Congress recognized the potential threat to public health and the environment and in 1980 passed the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), more commonly known as "Superfund." With Superfund, the President authorized the U.S. Environmental Protection Agency (EPA) to identify hazardous wastes that threaten public health and the environment, and to locate and properly dispose of these wastes. The first step of that identification process is called the Preliminary Assessment.

WHAT IS A PRELIMINARY ASSESSMENT?

In a Preliminary Assessment (PA), EPA attempts to verify the existence of released hazardous waste at a site that may fall under Superfund. PAs are conducted by the EPA or its representatives and usually result from EPA discovering that a hazardous substance may pose a threat to the public or the environment. The purpose of a PA is to determine if a threat exists and what further action should be taken. If the PA shows that there is a serious immediate threat, EPA may use Superfund money to quickly remove the hazardous substance. If the threat is not immediate, EPA will conduct more thorough studies to decide the best way to deal with the problem. Naturally, if no danger exists, no further action will be taken.

WHAT IS A PA PETITION, AND WHY WOULD YOU SUBMIT IT?

Although the EPA has always responded to requests from the public to investigate suspected hazardous waste sites, Congress formalized this process in 1986, by making some changes in the Superfund program. One of these changes (now CERCLA Section 105(d)) provides the public with an opportunity to formally petition the Federal government to conduct a PA. By sending in a PA petition, persons can notify the EPA of suspected environmental problems that may directly affect them, thus possibly identifying sites that may otherwise remain unknown.

Releases of hazardous substances may threaten an individual's health, property, and environment. By reporting such releases and petitioning for PAs to be conducted people can help themselves, their communities, and the country.

WHO MAY SUBMIT A PA PETITION?

Basically, Congress has allowed any person or organization to submit a PA petition. This petition should concern a release or threatened release that affects the petitioner. The term "release" includes any means by which a substance could be exposed to the environment, such as by spilling, leaking, discharging, dumping, injecting, and escaping.

WHAT INFORMATION MUST BE IN A PA PETITION?

An example format for petitions is included on the last page of this bulletin. People submitting petitions do not have to follow this format, but petitions must contain the following information:

- The full name, address, telephone number, and signature of the person submitting the petition.
- The location of the actual/potential release, which is also called the "site." Because the people reviewing the petition or conducting the PA may not be familiar with the area of the release, its location should be described as exactly as possible. For example, marking the location on a street map or drawing a more detailed map (showing the release area, landmarks, and distances) would be helpful in finding and responding to the potential problem. If a map cannot be found or made, the site should be described by providing its distance, as accurately as possible, from nearby roads, (using street names or route numbers), buildings, and other easily noticeable objects.
- A description of how the petitioner is, or may be, affected by the actual/potential release. For example, a release may cause unpleasant smells, bad-tasting well water, animal injuries, damaged trees and plants, as well as body rashes and other physical effects. These factors may affect a person's health and cost money. Petitioners can clarify the seriousness of the problem and its potential effects by describing their location in relation to the area of the release, and how they came in contact with or became aware of the release.

WHAT TO FOCUS PETITIONS ON

Because Congress specified that petitioners must be affected by specific releases that they want to report, people should focus on actual/potential releases that they know of firsthand that occur around their homes or jobs. For example, EPA discourages submittal of PA petitions for the following situations:

- A petition covering possible releases at many locations, which were picked for some general reason, and not based on firsthand, specific knowledge. For example, a petition covering every landfill in a State is not specific and does not help EPA focus on the most serious problems.
- Petitions about sites that are unlikely to affect petitioners, such as sites far away from where they live or work.
- Petitions about possible pollution affecting a wide area, but which cannot be linked to releases from a specific location or source. Examples of problems over wide areas include polluted rivers and contaminated ground water. Petitioners should instead try to alert EPA to the source of such problems, such as drums leaking onto the ground.

EPA asks that petitioners carefully consider their petitions with the above examples in mind. Every year EPA investigates thousands of possibly hazardous sites, some of which pose serious threats to the public. If EPA receives petitions that are general or unclear, or that do not have enough information, valuable time and resources are taken away from more serious problems. Petitions without the required information will be returned to the petitioner. With this in mind, EPA asks petitioners to provide as much information as they can, but only on serious environmental problems.

WHAT OTHER INFORMATION CAN BE HELPFUL?

Naturally, the more information in a petition about an actual/potential site, the quicker and better the EPA can respond to it. Aside from what is mentioned above, no other information is required, but the following facts can be very helpful to the people reviewing petitions:

- What substances are involved (e.g., chemical name, popular name, name on container).
- Description of substances involved (e.g., smell, color, liquid/solid/gas).

- How the substance is, or may be, released (e.g., leaking container, dumped on ground, oozing from soil).
- Events leading to release (e.g., who did what and when to cause actual/potential site).
- State or local agencies already contacted and what they did (e.g., fire, police, or health department; State environmental agency).

WHAT HAPPENS TO A PA PETITION AFTER IT IS SUBMITTED?

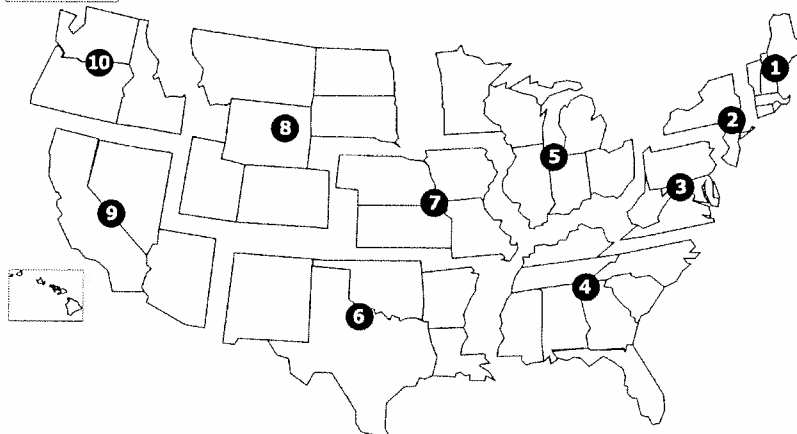
After receiving a PA petition, EPA will decide (1) if there is reason to believe that an actual/potential site exists, and (2) whether EPA has the legal authority under Superfund to respond to the site.

Petitioners do not have to prove that an actual/potential release exists or that it affects them. However, they do have to provide enough information to make the person reviewing the petition suspect that an actual/potential release may exist that may affect the petitioners. Also, under Superfund, EPA cannot respond to certain types of sites. For example, the law says Superfund does not cover petroleum or natural gas, engine exhaust emissions, normal use of fertilizer or pesticides, certain releases within a workplace, and some releases of nuclear materials. Finally, if a PA of the release was done in the past, a new one will not be conducted, unless additional information has been discovered about the site.

Within 12 months after a PA petition is received, it will be reviewed by EPA and a report of the review will be sent to the petitioner(s) within this one year timeframe. The report will describe whether the petition was approved and the reasons for the decision. If a petition is approved, EPA will conduct a PA during this period and provide a copy of the PA to the petitioner.

WHERE TO SEND PA PETITIONS

A PA petition ordinarily must be sent to the EPA Regional Administrator covering the location of the site. A map of the ten EPA Regions and a list of the EPA Regional Administrators, their addresses, and the States in their Regions is on Page 3. However, if the potential site is on Federal land, the petition should be sent directly to the Federal agency that owns the land. Each Federal agency is responsible for conducting a PA for any site on the agency's property. If petitioners cannot determine the Federal agency's address, the insert on Page 3 lists EPA's Regional Federal Facility Coordinators, who can help in locating the right address.



Region I:

Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, Vermont

Office of Site Remediation and Restoration
U.S. Environmental Protection Agency
1 Congress Street Suite 1100
Boston, MA 02114-2023

Region II:

New Jersey, New York, Puerto Rico, Virgin Islands

Emergency and Remedial Response
Division
U.S. Environmental Protection Agency
290 Broadway
New York, NY 10007-1866

Region III:

Delaware, District of Columbia, Maryland, Pennsylvania, West Virginia, Virginia

Hazardous Site Cleanup Division
U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103-2029

Region IV:

Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee

Waste Management Division
U.S. Environmental Protection Agency
61 Forsyth Street, SW
Atlanta, GA 30303-8960

Region V:

Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin

Superfund Division
U.S. Environmental Protection Agency
77 West Jackson Boulevard
Chicago, IL 60604-3507

Region VI:

Arkansas, Louisiana, New Mexico, Oklahoma, Texas

Superfund Division
U.S. Environmental Protection Agency
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Region VII:

Iowa, Kansas, Missouri, Nebraska

Superfund Division
U.S. Environmental Protection Agency
901 North 5th Street
Kansas City, KS 66101

Region VIII:

Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming

Office of Ecosystems Protection and
Remediation
U.S. Environmental Protection Agency
999 18th Street
Denver, CO 80202-2466

Region IX:

American Samoa, Arizona, California, Guam, Hawaii, Nevada, Marianas, Trust Territories

Superfund Division
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105

Region X:

Alaska, Idaho, Oregon, Washington

Office of Environmental Cleanup
U.S. Environmental Protection Agency
1200 Sixth Avenue
Seattle, WA 98101

**A list of addresses for other
Federal agencies can be ob-
tained by calling EPA Regional
Federal Facility Coordinators at
the following numbers.**

Headquarters ph 202/564-4271
fax 202/501-0069

Region I: ph 617/918-1431
fax 617/918-1291

Region II: ph 212/637-4322
fax 212/637-3256

Region III: ph 215/814-3348
fax 215/814-3005

Region IV: ph 404/562-8527
fax 404/562-8518

Region V: ph 312/886-0992

Region VI: ph 214/665-6726
ph 214/665-6785
fax 214/665-6460
fax 214/665-7263

Region VII: ph 913/551-7776
fax 913/551-7063

Region VIII: ph 303/312-6244
fax 303/312-6067

Region IX: ph 415/972-3133
fax 415/947-3518

Region X: ph 206/553-6635
fax 206/553-0124

SAMPLE PUBLIC PETITION FORMAT

(Regional Administrator)
United States Environmental Protection Agency
Region (Insert proper Region number)

-or-

(Administrator)
(Federal Agency)
(local address)

[Instructions in brackets can be replaced with relevant information, and the brackets deleted.]

Under the authority of CERCLA Section 105 (d), as amended, the petitioner,

(Name) : _____

(Address) : _____

(Telephone Number) : _____

hereby requests that Region [*(insert number of U.S. EPA Region in which release/threatened release is located from list provided in the bulletin) of the United States Environmental Protection Agency (or) (name of appropriate Federal agency, in the case of a suspected release/potential release from a Federal facility)*] conduct a preliminary assessment of the suspected *[release (or) threatened release]* of a hazardous substance, pollutant, or contaminant at the following location:

(Precise description of the location of the release/threatened release: attach marked map if possible)

Petitioner is affected by the [release (or) threatened release] because:

*(Describe as completely as possible how you are affected, or potentially affected,
by the release/threatened release)*

[The information requested below is not required but, to the extent that it can be included, it will expedite review of and response to your petition.]

Type or characteristics of the substance(s) involved:

Nature and history of any activities that have occurred regarding the release/threatened release:

State and local authorities you have contacted about the release/threatened release and the response, if any:



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

GASP

Attn: Stacie M. Propst, Ph.D
732 Montgomery Highway #405
Birmingham, Alabama 35216

Dear Ms. Propst:

We received your July 1, 2014, petition for Preliminary Assessment (PA) submitted to Regional Administrator Heather McTeer Toney, requesting the U.S. Environmental Protection Agency conduct a PA of release of hazardous substances in Tarrant, Alabama. Under Section 105(d) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, citizens may petition the agency to conduct a PA of suspected hazards to public health and the environment resulting from the release or threatened release of hazardous substances.

The agency has carefully reviewed GASP's petition and finds that sufficient facts and details were provided to warrant a PA to determine if a threat to the public or the environment exists in the Tarrant neighborhood in Birmingham, Alabama. As provided under Section 105(d) of CERCLA, the EPA will complete the PA within 12 months of receipt of the petition. We will notify you when the PA has been completed and we will send you a copy for your information. Should you have any additional questions, or require additional information, please contact Jennifer Wendel of my staff at (404)-562-8799.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Chaffins", is positioned below the word "Sincerely,".

Randall Chaffins, Acting Director
Superfund Division

cc: Lance R. LeFleur, ADEM



RECEIVED
SEP 1 2014
RA's Office

OFFICE OF THE MAYOR
CITY OF BIRMINGHAM

WILLIAM A. BELL, SR.
MAYOR

August 28, 2014


Hon. Heather McTeer Toney, Regional Administrator
U.S. Environmental Protection Agency – Region 4
61 Forsyth Street, S.W.
Mail Code: 9T25
Atlanta, GA 30303-8960

Dear Administrator Toney:

It has come to my attention that EPA Region 4 is considering a petition filed by GASP, an Alabama non-profit corporation, requesting that Region 4 perform a Preliminary Assessment of the Inglenook neighborhood in the City of Birmingham and residential areas in the City of Tarrant under the "Superfund" law. I also understand that Region 4 is presently considering whether to propose the 35th Avenue Superfund Site for listing on the National Priorities List ("NPL").

Given the potential impacts of these actions on the City of Birmingham, the Birmingham-Shuttlesworth International Airport, and our city's citizens, neighborhoods, and businesses, I am very interested in and concerned about Region 4's considerations and ultimate decisions. I would very much appreciate an opportunity to meet and discuss these matters with you before Region 4 makes any decisions that could have such significant impacts on Birmingham.

Sincerely,


William A. Bell, Sr.
Mayor

Cc: Governor Robert Bentley, State of Alabama
Representative Terri Sewell, U. S. Congress, 7th District of Alabama
Representative Spencer Bachus, U. S. Congress, 6th District of Alabama
Lance R. LeFleur, Director, Alabama Department of Environmental Management
Gaynell Hendricks, Chairperson - Birmingham Airport Authority Board
Al Denson, President/CEO - Birmingham Airport Authority



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

Mayor William A. Bell, Sr.
City of Birmingham
Office of the Mayor
710 North 20th Street
Birmingham, Alabama 35203

OCT - 8 2014

Dear Mayor Bell:

Thank you for your August 28, 2014, letter regarding the Preliminary Assessment (PA) Petition request filed by GASP, regarding ABC Coke and the surrounding neighborhood of Inglenook and the City of Tarrant. Your letter also indicated that you would like to discuss the proposal of the 35th Avenue site to the National Priorities List (NPL).

Regarding the GASP PA Petition, the Comprehensive Environmental Response Compensation and Liability Act (CERCLA or Superfund) allows that any person or organization may petition the U.S. Environmental Protection Agency to perform a PA of a release when the petitioner is, or may be, affected by a release of a hazardous substance, pollutant or contaminant. The EPA shall complete a remedial or removal PA within one year of the date of receipt of a complete petition, unless the EPA determines that a PA is not appropriate. Where such a negative determination is made, the EPA shall notify the petitioner and will provide a reason for the determination. When determining if performance of a PA is appropriate, the EPA shall decide: if there is reason to believe that an actual/potential site exists, and whether the EPA has the legal authority under Superfund to respond to the site.

The EPA has reviewed the GASP PA Petition and has determined, based on information currently available, it meets the criteria to conduct a PA of the ABC Coke facility and the surrounding areas that could reasonably have been affected by releases from the ABC Coke facility. In a PA, the EPA attempts to verify the existence of released hazardous substance at a site that may fall under Superfund. The purpose of the PA is to determine if a threat exists and what further action should be taken. If the PA shows that there is a serious immediate threat, the EPA may use Superfund money to quickly remove the hazardous substance. If the threat is not immediate, the EPA will conduct more thorough studies to decide the best way to deal with the problem. If no danger exists, no further action will be taken.

In order to protect North Birmingham communities, which includes Collegeville, Harriman Park and Fairmont, from significant human health and environmental risks, the EPA proposed the 35th Avenue Site to the NPL on September 22, 2014. The Superfund program investigates and cleans up sites across the country and converts them into productive local resources by eliminating or reducing health risks and environmental contamination associated with hazardous waste sites. The EPA lists sites on the NPL when they score 28.5 or higher on the Hazard Ranking System and when Remedial Action is necessary to address the threats to human health and/or the environment. In this case, the 35th Avenue site scored above 28.5. Although, many of the residential properties meet the EPA's criteria for time-critical removal action (which does not require NPL listing), there are also a large number of properties that don't meet time-critical removal criteria but are believed to pose long-term threats. A single,

Internet Address (URL) • <http://www.epa.gov>


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comprehensive assessment and remediation of contaminated residential soils is needed. These properties should be the subject of a Remedial Investigation/Feasibility Study followed by a Remedial Action.

Proposed NPL sites are subject to a 60-day public comment period. The EPA will accept written comments on the NPL proposal from September 22, 2014, through November 21, 2014. On October 9, 2014, the EPA will host a Public Meeting to inform community stakeholders about inclusion of the 35th Avenue site on the EPA's NPL. Citizens are invited to attend the presentation by EPA officials to learn more about the NPL process. Citizens are encouraged to ask questions and provide feedback regarding their concerns. Significant comments are typically addressed in a support document that the EPA will publish concurrently with the *Federal Register* document if, and when, the site is listed on the NPL. The EPA will continue to work with its partners to ensure that the response activities are comprehensive, based on sound science, and protective of human health and the environment.

In order to facilitate your request for us to have further discussion on this subject, please contact my Executive Assistant, Brenda Beverly, at (404) 562-8348 or beverly.brenda@epa.gov, to schedule a meeting. I look forward to continuing the partnership with the City of Birmingham as we the work to respond to the environmental health needs of North Birmingham.

Sincerely,


Heather McTeer Toney
Regional Administrator